

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF NEW YORK

IN RE

DANIEL J. MENDELSON,

CHAPTER 7

CASE NO. 15-74407-ast

DEBTOR.

**ORDER GRANTING RELIEF FROM
THE AUTOMATIC STAY**

On May 5, 2016, the Motion (the “Motion”) of PHH Mortgage Corporation (“Movant”), dated January 27, 2016 came before the Court, for relief from the automatic stay with respect to the property known as 37 Woodridge Lane, Sea Cliff, NY 11579 (the “Property”). For the reasons more fully stated on the record of the May 5 hearing, the Court granted the Motion effective as of June 8, 2016, provided that the chapter 7 trustee (the “Trustee”) was authorized to file a motion to sell the Property by no later than May 26, 2016; any timely filed sale motion would be heard on June 7.

On May 19, 2016, the Trustee filed an expedited motion to approve an auction sale of the Property. [dkt item 36] On May 20, 2016, the Court entered an order scheduling an expedited hearing for the sale motion for June 7, 2016, [dkt item 37], and on June 7 and June 23 conducted hearings on the sale motion. The Court had extended the automatic stay through the June 23 hearing. Following the June 23 hearing the Trustee withdrew his sale motion. [dkt item 45]

This Court, having considered the evidence presented and the arguments of the parties, and with good cause appearing therefor, it is hereby

ORDERED, that the automatic stay in effect pursuant to 11 U.S.C. § 362(a), is hereby terminated pursuant to 11 U.S.C. Section 362(d)(1) for cause as to Movant, its agents, assigns or successors in interest, so that Movant, its agents, assigns or successors in interest, may take any


and all action under applicable state law to exercise its remedies against the Property; and it is further

ORDERED, that the Chapter 7 Trustee shall be served with a copy of the referee's report of sale within **thirty (30) days** of the report [*if applicable*], and shall be noticed with any surplus monies realized from the sale of the Collateral; and it is further

ORDERED, that all other relief sought in the Motion is denied.

Dated: July 1, 2016
Central Islip, New York





Alan S. Trust
United States Bankruptcy Judge